

**PHYSICAL THERAPY GOVERNING BOARD
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
ALLIED HEALTH PROFESSIONALS
Philbrook Building, 121 South Fruit Street
Concord, New Hampshire 03301**

In The Matter Of:

Docket #08-2015

**Kristin K. Gokey
(Application for Reinstatement)**

DECISION AND ORDER

By the Board: Lea Bruch, Public Member, Chair, Gillian Cavezzali, PT, Joseph Shanley, PTA,
Nicole Lavoie, PT, Martha Aguiar, Public Member

Also present: Tina M. Kelley, Administrator to the Board

Appearances: None

On August 19, 2015, the New Hampshire Physical Therapy Governing Board ("Board") issued an Order on Application Denial to Kristin K. Gokey ("Ms. Gokey" or "Applicant") for reinstatement of licensure. Ms. Gokey petitioned the Board for a hearing on September 1, 2015 and the Board issued a "Notice of Hearing, Order to Show Cause" on September 16, 2015.

On October 21, 2015, the hearing was held in accordance with RSA 328-F:23 and 328-F:24; Aph 200 and Phy 200. Ms. Gokey appeared before the Board *pro se*.

Background Information

On June 16, 2015 Ms. Gokey submitted an application for reinstatement of licensure.

Included with the application for reinstatement of licensure received on June 16, 2015 was the "Physical Therapist and Physical Therapist Assistant Work History" form. Ms. Gokey listed "Watts Water Technologies" and "Piper Mountain Ergo Therapy, LLC" as her current employers. She indicated that she was the "Ergonomic & Self Pay (2014) HH ortho" at Piper Mountain and "Ergonomics, First Aid" at Watts Water.

Additionally, on June 16, 2015 Ms. Gokey submitted a letter to the Board. The letter stated that Ms. Gokey had "...immediately notified [her] current employer and stopped any activities,

4. A certificate from the Back School of Atlanta showing that Ms. Helling had become a "Certified Ergonomics Assessment Specialist" on June 20, 2011.
5. A letter from Watts Water Technologies stating that Ms. Gokey had been hired to provide physical therapy to treat worker compensation employees and ergonomics for injury prevention. The letter further stated that they continued to contract for physical therapy services from an outside entity.
6. Ms. Gokey provided an e-mail from Melissa A. Underhill which was addressed to Ms. Gokey stating that her last day at Coppola Physical Therapy was on May 9, 2014.
7. Ms. Gokey provided her official job description at Watts Water Technologies which also contained her business card at Watts Water Technologies.
8. Ms. Gokey sent an email to Traci Weber, the Executive Secretary for the Office of Licensed Allied Health Professionals, stating "After reading thru the rules again I realized I was improperly using my DPT credentials, I have rectified the situation and removed them from my name."

On August 3, 2015 the Board sent Ms. Gokey a "Cease and Desist Order" for the use of the credentials PT.

An adjudicatory hearing commenced on October 21, 2015, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Gokey practiced without a valid license beginning January 1, 2015 until present.
- B. Whether or not and to what extent Ms. Gokey used the credentials "PT" and "DPT" in connection with her name from January 1, 2015 until approximately July 20, 2015 without holding a valid New Hampshire license.

Applicable Laws:

RSA 328-F:23, II:

Misconduct sufficient to support disciplinary proceedings shall include:

- (c) Violation of the ethical stands adopted by the governing board.
- (i) Practice without a currently valid license.

(j) Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A. or of any state or federal law reasonably related to the licensee's authority to practice or ability to practice safely.

RSA 328-A:10, II.:

A person or business entity, its employees, agents or representatives shall not use in connection with that person's name or the name or activity of the business, the words "physical therapy," "physical therapist," "physiotherapy," or "registered physical therapist," the letters "PT," "LPT," "RPT," "CPT," "MPT," "DPT," or any other words, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, including the billing of services labeled as physical therapy, unless such services are provided by or under the direction of a physical therapist licensed pursuant to this chapter. A person or entity that violates this paragraph is guilty of a violation for a first offense, and guilty of a misdemeanor for any subsequent violations of this paragraph.

RSA 328-A:12, I:

It is unlawful for any person to practice or in any manner to represent, imply, or claim to practice physical therapy or use any word or designation that implies that the person is a physical therapist unless that person is licensed pursuant to this chapter. An unlicensed person who engages in an activity requiring a license pursuant to this chapter or uses any title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10 that implies that the person is licensed to engage in the practice of physical therapy is guilty of a misdemeanor.

Phy 405.01:

Misconduct shall be:

(d) Violation of Phy 500;

(j) Practice without a currently valid license; and

(k) Violation of:

(1) Any provision of RSA 328-F;

(2) Any provision of RSA 328-A;

(3) Any rule adopted by the board; or

(4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

APTA Code of Ethics for Physical Therapist, Principle 5A:

Principle 5A. Physical therapists shall comply with applicable local, state, and federal laws and regulations.

At the Hearing the Board reviewed numerous exhibits submitted with the Notice of Hearing and by Ms. Gokey:

Board Exhibits:

- Exhibit #1 – Application for Reinstatement of Licensure or Certification Form
- Exhibit #2 – Physical Therapist and Physical Therapist Assistant Work History Form
- Exhibit #3 – A letter to the Board from Ms. Gokey dated June 16, 2015
- Exhibit #4 – An e-mail from Ms. Gokey to Traci Weber (“Ms. Weber”) dated June 17, 2015
- Exhibit #5 – A letter to Ms. Gokey from Tina Kelley (“Ms. Kelley”) dated June 18, 2015
- Exhibit #6 – A letter from National Government Services, Inc. to Kristin K. Helling (aka Ms. Gokey) dated May 6, 2015
- Exhibit #7 – Ms. Helling’s Outdoor Emergency Care card with an expiration date of 12/2008
- Exhibit #8 – Ms. Helling’s certificate of completion for the course titled “Responding to Emergencies Adult First Aid/CPR/AED issued on October 4, 2012
- Exhibit #9 – Ms. Helling’s certificate of completion for the course titled “Certified Ergonomics Assessment Specialist” issued June 20, 2011
- Exhibit #10 – A letter from Howard Chu to Ms. Weber dated July 6, 2015
- Exhibit #11 – An e-mail from Ms. Gokey to Melissa Underhill dated July 6, 2015
- Exhibit #12 – Ms. Gokeys business card at Watts Water Technologies and her job description
- Exhibit #13 – An e-mail from Ms. Godey to Ms. Weber dated July 20, 2015
- Exhibit #14 – The Cease and Desist Order to Ms. Gokey dated August 3, 2015.

Gokey’s Exhibits:

- Exhibit A – 2014 Renewal Application and Work History Form
- Exhibit B – Ms. Gokey’s certificate of completion for “Adult First Aid/CPR/AED” dated October 18, 2015

Ms. Gokey testified on her own behalf and presented no witnesses.

Findings of Fact and Rulings of Law:

- Ms. Gokey’s statement that she never billed for services does not have a bearing on whether or not she performed those tasks outlined under the Physical Therapy scope of practice. The Board finds that even though Ms. Gokey did not bill for services she did practiced as a physical therapist without a valid license beginning January 1, 2015

and is currently practicing as a Physical Therapist in her position at Watts Water in violation of RSA 328-F:23, II (c), (i), and (j), RSA 328-A:12, I, Phy 405.01, and the *APTA Code of Ethics for Physical Therapist, Principle 5A*.

- The Board finds that Ms. Gokey used the credentials “PT” and “DPT” in connection with her name from January 1, 2015 until approximately July 20, 2015 without holding a valid New Hampshire license in violation of RSA 328-F:23, II (c) and (j), RSA 328-A:10, II, Phy 405.01, and the *APTA Code of Ethics for Physical Therapist, Principle 5A*.

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Gokey was in violation of the laws and rules by practicing without a license and using the credentials of PT and or DPT in conjunction with her name. After considering all the evidence and taking into account Ms. Gokey’s explanation and apology the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Gokey’s license to practice Physical Therapy in the State of New Hampshire is reinstated.

IT IS FURTHER ORDERED, that Ms. Gokey submit for pre-approval “Ethics Course(s)” equaling a minimum of 10 hours. This course(s) shall be completed and evidence submitted to the Board within 3 months of the date her license is reinstated.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Gokey shall furnish a copy of this Decision and Order to any current employer for whom she performs services as a Physical Therapist and to any agency or authority which licenses, certifies or credentials Physical Therapists, with which Ms. Gokey is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Gokey furnish a copy of this Decision and Order to any employer and/or agency, or authority with which Ms. Gokey is affiliated which licenses, certifies or credentials Physical Therapists for one year from the effective date of this Decision and Order.

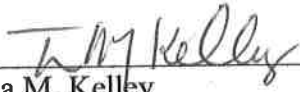
IT IS FURTHER ORDERED that Ms. Gokey’s breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Gokey's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: November 18, 2015



Tina M. Kelley
Authorized Representative of the
Physical Therapy Governing Board